

CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

ACADEMIC SENATE - AGENDA

November 7, 1978

UU 220

3:00 PM

Chair, Max Riedlsperger  
Vice Chair, Linda Atwood  
Secretary, Alan Foutz

I. Minutes

II. Announcements

III. Reports

Academic Council (Atwood)  
Administrative Council (Foutz)  
CSUC Academic Senate (Olsen, Weatherby, Wenzl)  
Foundation Board (Riedlsperger)  
President's Council (Riedlsperger)

IV. Committee Reports

Budget (Cooper)  
Constitution and Bylaws (Keif)  
Curriculum (Cirovic)  
Distinguished Teaching Award (Larsen)  
Election (Weber)  
Faculty Library (DeKleine)  
Fairness Board (Rosenman)  
General Education and Breadth (Stine)  
Instruction (Begg)  
Long Range Planning (Ellerbrock)  
Personnel Policies (Noyes)  
Personnel Review (Clucas)  
Research (Dingus)  
Student Affairs (Burns)

V. Business Items

- A. Resolution on Credit for Remedial Work (Begg, Olsen)(Attachment)
- B. Fairness Board (Rosenman)(Attachment)
  - a) Procedures
  - b) Withdrawal from Class/Change of Program Rules
- C. Constitution and Bylaws Revisions (Keif)(Attachment)
  - a) Budget Committee
  - b) Fairness Board

VI. New Business

A.

Description and Procedures of the Fairness Board pursuant to Proposed Executive Order

DESCRIPTION

The Fairness Board (see CAM Appendix VII, p. 11; Appendix XI) is the primary campus group concerned with providing "due process" for the students and instructors at California Polytechnic State University, San Luis Obispo, particularly in terms of student/faculty relationships. The Board hears grade appeals based on the grievant's belief that the instructor has made a mistake, shown bad faith or incompetence, or been unfair. (For cheating, see CAM 674.3). However, it may also hear cases involving student/administration or student/student relationships.

Although in grade appeals the Board operates under the presumption that the grade assigned was correct, should its members find that the evidence indicates that such was not actually the case, the Chair will recommend to the Vice President for Academic Affairs that the grade be changed. In all cases, the Board's authority is limited to actions consistent with other campus and system policy.

PROCEDURES

- A. Any student who still feels aggrieved after failing to receive asked for relief from both the person allegedly causing the problem and that person's immediate supervisor(s) (e.g., faculty member, faculty member's Department Head, and faculty member's School Dean), may initiate an appeal for redress by writing a letter requesting a hearing to the Chair of the Fairness Board. The Chair may counsel a student as to the relative merit of his/her case but must accept all complaints which ultimately are filed. The student's letter should contain all details of the issue(s) raised, name persons involved, list witnesses, list exhibits, and state redress sought; however, the student should understand that in all cases he must overcome the Board's presumption that the instructor's action was correct. The following actions will then take place:
  1. The Chair will forward a copy of the above letter to the challenged party and request his/her written reply to the Chair within one week of receipt. The Chair will share a copy of any reply with the student grievant.
  2. The Chair will make scheduling arrangements for the hearing which will be conducted informally. At least six Board members must be present before a hearing may begin, and the same six members must be present for the full hearing.
  3. When a hearing is scheduled, the Chair will notify the Board's members and the two principal parties.
  4. It is expected that any Board member will disqualify himself from voting if he feels he cannot be impartial.
  5. The Board will allow each principal party, in private, to present his/her case personally, call and question witnesses, and present exhibits. The student grievant will usually appear first.
  6. Each Board member may ask questions of either party or any witness.
  7. The Board itself may call witnesses or recall witnesses.
  8. The Board will handle all proceedings without undue delay and will keep a summary file of each case.

9. The Board will close the hearing when satisfied that both sides have been fully heard.
  10. The Board will deliberate in private and will make a written summarization of the facts of the case and of the Board's reasoning in its recommendation to the Academic Vice President.
  11. The Chair will send a copy of this recommendation to each principal party and to each Board member.
  12. Should any member(s) of the Board desire to file a minority recommendation, he/they may do so by sending it to the Chair who will forward copies to the Academic Vice President, to each principal party, and to each Board member.
- B. Hearings are confidential. They are closed to all persons except the Board and the two principal parties (one after the other). Witnesses, if any, shall be present only when testifying. No testimony shall be taken outside the hearing room, but writings from persons unable to attend are admissible.
- C. In the event a situation arises wherein the Board unanimously deems the above rules inappropriate, the Board will modify its procedures to insure that fairness and justice prevail.

Draft of Rules for the Fairness Board (Wilks)

- A. Any student who feels aggrieved may initiate an appeal for redress by writing a letter to the Fairness Board. The letter should contain all details of the issue raised, name persons involved, list witnesses, list exhibits, state redress sought, and request a hearing. The Board will then take the following action:
1. Forward a copy of the above letter to the challenged party and request his/her written reply to the Board with a copy of that reply to the aggrieved party;
  2. Decide whether a hearing is warranted and, if so, establish schedules agreeable to the two principal parties and the Board;
  3. Send all notices to Board members and the two principal parties;
  4. Allow each principal party, in turn, to personally present his/her case, call witnesses and cross examine;
  5. Allow each Board member to ask questions of either party or any witness;
  6. Call expert witnesses or recall witnesses, if deemed necessary;
  7. Handle all proceedings without undue delay, tape record hearings, keep a file of each case, and maintain decorum in the hearing at all times;
  8. Close the hearing when satisfied that both sides have been fully heard; review findings and make a written recommendation to the Academic Vice President with a copy to each principal party and each Board member.
- B. Should the Board decide that no hearing is warranted, the reason shall be given in writing to the two principal parties.
- C. Although hearings will not be conducted under the formalism of Rules of Evidence, every effort shall be made to maintain probity on all sides. The burden of proof shall rest with the party who initiates an appeal.
- D. Hearings are confidential. They are closed to all persons except the Board and the two principal parties. Witnesses, if any, shall be present only when testifying. No testimony shall be taken outside the hearing room.
- E. The two principal parties shall be present during the entire hearing to ensure due process for each party.